



## LODI CITY COUNCIL

Carnegie Forum  
305 West Pine Street, Lodi

## AGENDA – REGULAR MEETING

Date: May 18, 2005

Time: 5:30 p.m.

For information regarding this Agenda please contact:

**Susan J. Blackston**

**City Clerk**

**Telephone: (209) 333-6702**

*NOTE: All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the City Clerk and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the City Clerk's Office as soon as possible and at least 24 hours prior to the meeting date.*

### **ADDENDUM**

Subsequent to the publication and posting of the agenda on Friday, May 13, 2005, the following item was submitted for Council consideration.

#### **C-2 Announcement of Closed Session**

- I) Actual litigation: Government Code §54956.9(a); one case; James W. Baum v. USA Waste of California, Inc. et al., San Joaquin County Superior Court, Case No. CV019024

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this Agenda was posted at least 72 hours in advance of the scheduled meeting at a place freely accessible to the public 24 hours a day.

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Susan J. Blackston  
City Clerk



## LODI CITY COUNCIL

Carnegie Forum

305 West Pine Street, Lodi

## AGENDA – REGULAR MEETING

Date: May 18, 2005

Time: Closed Session 6:00 p.m.  
Regular Meeting 7:00 p.m.

For information regarding this Agenda please contact:

Susan J. Blackston

City Clerk

Telephone: (209) 333-6702

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### C-1 Call to Order / Roll Call

### C-2 Announcement of Closed Session

Pulled

- a) Actual litigation: Government Code §54956.9; four applications; Steve Morrison v. City of Lodi; WCAB case numbers STK 0164758 1/31/99, STK 0164758 12/4/00, STK 0164757 12/24/00, and STK 0182425 1/15/01
- b) Actual litigation: Government Code §54956.9(a); one case; Citizens for Open Government v. City of Lodi et al., San Joaquin County Superior Court, Case No. CV026002
- c) Actual litigation: Government Code §54956.9(a); one case; People of the State of California; and the City of Lodi, California v. M & P Investments, et al.; United States District Court, Eastern District of California, Case No. CIV-S-00-2441 FCD JFM
- d) Actual litigation: Government Code §54956.9(a); one case; Hartford Accident and Indemnity Company, et al. v. City of Lodi, et al., Superior Court, County of San Francisco, Case No. 323658
- e) Conference with legal counsel – initiation of litigation: Government Code §54956.9(c); two cases
- f) Conference with legal counsel – anticipated litigation – significant exposure to litigation pursuant to subdivision (b) of Section 54956.9; one case; pursuant to Government Code §54956.9(b)(3)(A) facts, due to not being known to potential plaintiffs, shall not be disclosed
- g) Actual litigation: Government Code §54956.9(a); one case; Fireman's Fund Insurance Company v. City of Lodi, et al., United States District Court, Eastern District of California Case No. CIV-S-98-1489 FCD JFM
- h) Actual litigation: Government Code §54956.9(a); one case; City of Lodi v. Michael C. Donovan, an individual; Envision Law Group, LLP, et al., San Joaquin County Superior Court, Case No. CV025569
- i) Actual litigation: Government Code §54956.9(a); one case; Environmental Forensic Investigations, Inc. v. City of Lodi, San Joaquin County Superior Court, Case No. CV-024899
- j) Actual litigation: Government Code §54956.9(a); one case; Farr Associates v. City of Lodi, San Joaquin County Superior Court, Case No. CV-025075
- k) Actual Litigation: Government Code §54956.9(a); one case; Magellan Environmental, Inc. v. City of Lodi, San Joaquin County Superior Court, Case No. CV-024898

### C-3 Adjourn to Closed Session

**NOTE: THE FOLLOWING ITEMS WILL COMMENCE NO SOONER THAN 7:00 P.M.**

### C-4 Return to Open Session / Disclosure of Action

**A. Call to Order / Roll call**

**B. Invocation** – Pastor Bill Cummins, Bear Creek Community Church

**C. Pledge of Allegiance**

**D. Presentations**

D-1 Awards – None

D-2 Proclamations – None

D-3 Presentations

- a) Presentation of quilts made by members of St. Paul Lutheran Church to the Salvation Army for the New Hope Harbor Shelter

**E. Consent Calendar (Reading; comments by the public; Council action)**

E-1 Receive Register of Claims in the amount of \$2,611,323.03 (FIN)

E-2 Approve minutes (CLK)

- a) April 19, 2005 (Shirtsleeve Session)
- b) April 19, 2005 (Special Meeting)
- c) April 26, 2005 (Shirtsleeve Session)
- d) April 26, 2005 (Special Meeting)
- e) May 2, 2005 (Special Meeting)
- f) May 3, 2005 (Shirtsleeve Session)

E-3 Report of sale of surplus equipment (PW)

E-4 Approve plans and specifications and authorize advertisement for bids for Century Boulevard Roadway Improvements, Sage Way to Lower Sacramento Road (PW)

E-5 Authorize advertisement for bids for polemount and padmount transformers during fiscal year 2005-06 (EUD)

Res. E-6 Adopt resolution approving an amendment to the agreement between the City of Lodi and the State of California for use of the Lodi National Guard Armory facility at 333 N. Washington Street (PR)

Res. E-7 Adopt resolution affirming the contract extension agreement with DB Claims Services Group, Inc. for claims administration services (HR)

E-8 Approve letter of support for restoration of Proposition 42 transportation funding (PW)

E-9 Set public hearing for June 1, 2005, for the Transit Division's fiscal years 2003-04 and 2004-05 Program of Projects (PW)

E-10 Set public hearing for June 15, 2005, to consider Reimbursement Agreement RA-05-01 establishing an area of benefit and reimbursable costs for public improvements for Legacy Estates, Unit No. 1, Tract No. 3260 (PW)

**F. Comments by the public on non-agenda items**

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted.

Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

**G. Comments by the City Council Members on non-agenda items**

**H. Comments by the City Manager on non-agenda items**

**I. Public Hearings**

- I-1 Public hearing to consider objections or protests to the Cost of Repairs Report for sidewalk repairs at 633 Holly Drive and to confirm Report as submitted by the Superintendent of Streets (PW)
- Res. I-2 Public hearing to consider the appeal from Lowe's HIW, Inc., regarding the Planning Commission's decision of April 13, 2005, pertaining to the application of design standards for Large Retail Establishments to its Lodi store (CD)

**J. Communications**

- J-1 Claims filed against the City of Lodi
- a) Ashley Rose, date of loss 2/18/05
  - b) Britney Rose, date of loss 2/18/05
  - c) Pete Rose, date of loss 2/18/05
  - d) Pete Rose, Jr., date of loss 2/18/05
- J-2 Appointments – None
- J-3 Miscellaneous – None

**K. Regular Calendar**

- Res. K-1 Adopt resolution authorizing the City Manager to execute Federal Transit Administration funding agreement between the City of Lodi and the City of Galt for Federal fiscal years 2003-04 and 2004-05 (PW)
- K-2 Continued presentation of the City Manager's Recommended Draft Fiscal Year 2005-06 Budget and Financial Plan (FIN)
- K-3 Designation of a Council Member to participate in the selection process for a new Community Development Director (CM)

**L. Ordinances – None**

**M. Adjournment**

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

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Susan J. Blackston  
City Clerk